

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHNNY HUGHES WALKER,

Petitioner,

vs.

WARDEN, ELY STATE PRISON, et al.,

Respondents.

Case No. 3:08-CV-00075-LRH-(RAM)

ORDER

On June 12, 2008, the Court entered an Order (#10) and Judgment (#11) dismissing this action as untimely. The Court noted that all of Petitioner's arguments for equitable tolling could not save this action because none of the arguments explained a two-year gap in which Petitioner had no actions pending in any court. Order (#10), pp. 2-3. Petitioner had specifically stated that he never pursued federal habeas corpus relief before commencing this action. Petition (#7), p. 2. On June 27, 2008, Petitioner submitted, pursuant to Rule 60 of the Federal Rules of Civil Procedure, a Motion to Reconsider on Show Cause (#13). For the first time, Petitioner now argues that he had mailed a box of documents, including a habeas corpus petition, to this Court in Las Vegas. This Court has no record of ever having received such a box. Petitioner's only proof is an unsworn, inadmissible writing at the bottom of an inmate request form. Furthermore, Petitioner did not explain why he could have mentioned this box earlier, in the space provided in the petition form or in his showing of cause. Consequently, Petitioner has not met the standards for obtaining relief from the Judgment (#11). See Fed. R. Civ. P. 60(b)(2).

1 Petitioner has also submitted a sealed motion (#12). This motion is moot because the Court
2 has dismissed this action.

3 IT IS THEREFORE ORDERED that Petitioner's Motion to Reconsider on Show Cause
4 (#13) is **DENIED**.

5 IT IS FURTHER ORDERED that Petitioner's sealed motion (#12) is **DENIED**.

6 DATED this 8th day of July, 2008.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE